

ESTTA Tracking number: **ESTTA409747**

Filing date: **05/18/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052140
Party	Plaintiff Austin Precision Products, Inc. d/b/a LaRue Tactical
Correspondence Address	GAIL TAYLOR RUSSELL TAYLOR RUSSELL & RUSSELL, P.C. 10601 FM 2222, BUILDING R SUITE 12 AUSTIN, TX 78730 UNITED STATES gtrussell@russell-law.com
Submission	Other Motions/Papers
Filer's Name	Gail Taylor Russell
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Signature	/Gail Taylor Russell/
Date	05/18/2011
Attachments	Case Status Cancellation Nos 92052137_92052140.pdf ( 2 pages )(15471 bytes )

**THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Registration Nos. 3478909 and 3466163**

Austin Precision Products Inc.,	:	
d/b/a LaRue Tactical,	:	
	:	
Petitioner,	:	
	:	
V.	:	Cancellation No. 92052137
	:	Cancellation No. 92052140
	:	Registration No. 3478909
Richard E. Swan,	:	Registration No. 3466163
	:	
Registrant	:	

**RESPONSE TO USPTO TTAB REQUEST FOR STATUS OF CIVIL ACTION THAT  
SUSPENDED THE CANCELLATION PROCEEDINGS**

The USPTO TTAB has requested that Petitioner Austin Precision Products, Inc., d/b/a LaRue Tactical ("LaRue Tactical") provide the status of the civil action litigation (United States District Court for the District of Massachusetts, Civil Action No. 1:09-CV-10034 ("Civil Action") which occasioned the suspension of the consolidated processing of Cancellation Nos. 92052137 and 92052140. The Civil Action is currently pending and counterclaims against United States Trademark Registration Nos. 3478909 and 3466163 remain in the case. Dispositive motions are due June 13, 2011. No trial date or final pre-trial conference has yet been set.

Dated: May 18, 2011

Respectfully submitted,

/Gail Taylor Russell/

Gail Taylor Russell  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing RESPONSE TO USPTO TTAB REQUEST FOR STATUS OF CIVIL ACTION THAT SUSPENDED THE CANCELLATION PROCEEDINGS has been served on Richard E. Swan, 171 West Street, East Bridgewater, MA 02379 and Stephen J. Holmes, Barlow, Josephs & Holmes, Ltd., 101 Dyer St., 5<sup>th</sup> Floor, Providence, RI 02903 by mailing said copy on May 18, 2011 via First Class Mail, postage prepaid.

By: /Gail Taylor Russell/  
Gail Taylor Russell